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**OFFICE OF PETITIONS  
A/C PATENTS**

In re Application of  
Anh Si Le  
Application No. 09/276,014  
Filed: March 25, 1999  
Attorney Docket No. SPI011 (42891)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 7, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight November 7, 2000.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$890.00 extension of time submitted with the petition on May 14, 2001 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this decision should be directed to Andrea Coram at (703) 308-6711.

A handwritten signature in black ink, appearing to read 'A. Coram', is written over the printed name.

Andrea Coram  
Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy